

REMARKS

Prior to the present amendment, claims 23-137 were pending. By the present amendment, applicants have amended claims 23, 28, 32, 43, 50, 54, 68, 74, 78, 93, 118 and 127, and cancelled claims 30, 31, 33, 52, 53, 55, 76, 77, 79, 102, 103, 105, 125, 126 and 128. Accordingly, claims 23-29, 32, 34-51, 54, 56-75, 78, 80-101, 104, 106-124, 127 and 129-137 are currently pending.

In the Office Action, claims 23-26, 28, 29, 34-46, 48-51, 59-71, 73-75, 84-96, 98, 100, 101, 109-121, 123, 124, 129-137 were rejected under 35 U.S.C. §102(e) for allegedly being anticipated by van den Berg et al. (U.S. Patent No. 5,580,990). According to the examiner, van den Berg discloses a compound with the formula {Pt.II (w)(x)(y)(z)} or (Pt.IV (u)(v)(w)(x)(y)(z)) in which u, v, w, x, y, and z represent whether or not the same, whether or not interconnected ligands, wherein at least one is a leaving ligand and at least one of the remaining ligands represents a detectable marker group.

Further, claims 23-29, 33-51, 55, 59-75, 79, 84-101, 105, 109-124, 128-137 were rejected under 35 U.S.C. §102(e) as allegedly being anticipated by Houthoff et al. (U.S. Patent No. 5,985,566). Examiner Riley left a voice mail message with the undersigned on February 5, 2004. Examiner Riley indicated that it appears that claims 30, 31, 52, 53, 56, 76, 77, 80, 102, 103, 106, 125 and 126 should have been included in the rejection.

According to the examiner, Houthoff et al. discloses platinum-based compounds having the structure shown in column 2 and columns 5-6. The examiner states that the probe is a biomolecule such as a nucleotide, M is a detectable marker, and X and Y are stabilizing substituents. The examiner further reports that the marker may be attached to the platinum compounds either directly or through spacer arms (preferably polylysine).

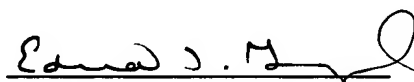
Nowhere in van den Berg et al. or Houthoff et al. is there any disclosure or suggestion of a spacer comprising a chain having at least four carbon atoms and at least one oxygen atom in the chain. Applicants have amended independent claims 23, 43, 68, 93 and 118 by reciting that the spacer comprises a chain having at least four carbon atoms and at least one oxygen atom in the chain. Support for the amendment to the claims is found in the specification as originally

filed, *inter alia*, page 3, lines 6-7 and the paragraph bridging pages 4 and 5.

Accordingly, applicants respectfully request that the rejection of the claims under §102(e) over van den Berg et al. or Houthoff et al. be reconsidered and withdrawn.

In view of the above amendments and remarks, allowance of pending claims 23-29, 32, 34-51, 54, 56-75, 78, 80-101, 104, 106-124, 127 and 129-137 is earnestly requested. If the examiner has any questions regarding this amendment, the examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Edna I. Gergel', written over a horizontal line.

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